

Application No. ZT-60-01, York County Planning Commission: Request to amend Chapter 24.1, Zoning, of the York County Code, to allow consideration of a series of proposed revisions to various sections of the Zoning Ordinance.

Mr. Mark Carter presented the staff report to the Commission dated August 31, 2001 and briefly explained each item. The members asked several questions, which are stated below along with Mr. Carter's replies.

Sec. 24.1-104, Definitions.

- When does an extra bedroom become an accessory apartment?

An accessory apartment requires a separate, outside entrance, is separated from the main house, and has its own bathroom.

Sec. 24.1-115, Special use permits.

- How would the establishment of a specially permitted use within an existing building or property be affected by the two-year provision if major renovations were necessary before re-occupancy?

The building would have to be re-occupied within two years of approval of the use permit.

- What happens to a use permit that is no longer active?

When the use is discontinued for two years or more, the use permit is terminated without notice.

Sec. 24.1-260, General site design standards.

- What is the difference between a flag and a banner? Their illumination can cause driving hazards.

The Zoning Ordinance refers to and regulates banners as signs, but exempts from the sign regulations "Flags, emblems or insignia of the United States, the Commonwealth of Virginia, York County, religious groups, civic organizations, service clubs and similar organizations, groups, agencies, etc."

- How can security lighting that is controlled by sensors be kept from spilling over into residential areas? Can the fixtures be retrofitted to bring them into compliance with the terms of Zoning Ordinance?

Section 24.1-260 dealing with general site design standards proposes to require "full cut-off luminaires" that may be greater than 3000 lumens; that section could apply to security lighting in a multi-family residential project but would not likely apply to the lower intensity lighting associated with single-family residential dwellings. The Zoning Ordinance will not require replacement of existing fixtures but the County

encourages and works with applicants to shield their lighting if it is not currently shielded.

- Would the proposed streetlight improvements apply to a small, light industrial development of two- and three-acre lots with developer-improved roads?

Yes, they would.

Secs. 24.1-271 and -272, Accessory Uses.

- Does the County allow a resident to park a semi-tractor-trailer on his residential property with a minimum lot size? Some people need to park their work vehicles at home and it would appear to be overly restrictive and intrusive for us to prohibit that under certain circumstances.

There is no current proposal to revise the Ordinance to allow the commercial use of residentially zoned property. The Ordinance provides for special use permits for home occupations involving heavy equipment and for parking large types of commercial vehicles on appropriately zoned properties. However, a long-distance driver would not be operating a home occupation under our definition so there is no process to apply to keep such a vehicle on residential property.

Mr. Carter cautioned against allowing as home occupations tractor-trailers that are used for long-distance hauling because it would open the door to significant neighborhood impacts. Mr. Shepperd indicated there is a dump truck that currently parks in a County subdivision. Also, much of the County is zoned for residential uses where a semi shouldn't bother anyone because it would be hidden. He asked if there are opportunities to allow that as a special use. Mr. Simasek recommended that the staff research how other jurisdictions handle this issue for possible later review but not as part of this application.

- Can citizens live in a camper, or something similar, for a short term because of a natural disaster that requires major renovations to their residence?

The Ordinance permits living in a manufactured home during construction of a permanent residence, but a specific response will require staff research.

- Regarding fence heights where there are two side yards but no "rear yard," is an eight-foot fence allowable on the side yard?

The Ordinance does not allow an eight-foot-high fence on any portion of a property that could be considered a "side yard" in order to maintain aesthetic consistency and continuity.

Mr. Heavner questioned the use of both the U. S. Customary system and the metric system of measurements in the Zoning Ordinance. Mr. Carter indicated that the County is in the process of eliminating references to the metric system in the Code and it would be suitable to eliminate all references to metrics in the proposed revisions.

Mr. Simasek opened the public hearing.

Mr. Mark Rinaldi, Landmark Design Group, Williamsburg, expressed concern about the proposed definition of surface mines and the exemption for excavation that is intended for drainage, recreational, or aesthetic purposes in accordance with approved development plans or site plans for a residential, commercial, industrial, or other development activity. He noted that site development is often best pursued with a phased approach so that the stormwater ponds are approved and constructed at the beginning to handle stormwater runoff that occurs during construction. Mr. Carter responded that this type of approach would in fact be authorized under the proposed amendment. He explained that if the stormwater management facilities are being constructed as part of a coordinated and comprehensive approach to the development of the property and are indicated on a plan of overall development, this would be permitted under the amendments.

The Vice Chair closed the public hearing, seeing no others who wished to speak.

Mr. Shepperd stated that there are issues to be considered later but the proposed amendments appear to capture the major issues. Mr. Simasek asked if there are any parking conflicts at this time and Mr. Carter indicated there are not.

Ms. White moved the adoption of Resolution PC01-27(R), revised to eliminate all references to metric measurements in Sections 24.1-271 and -272 as they refer to fences. Upon roll call, the vote to approve was unanimous (5:0, Messrs. Hendricks and Semmes absent).